

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19

DRC-01 /184 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC 1451

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E.O. 11652: NA

TAGS: UNGA ICJ

SUBJ: UNGA--LEGAL COMMITTEE -- ICJ ITEM

REF: USUN 4966; STATE 230472

1. AT WEO GROUP MEETING NOV 23, MOST WEO GROUP MEMBERS FAVORED POSTPONEMENT OF ICJ ITEM TO 29TH GA, SOME FAVORED ADOPTION OF RES AFTER SHORT DEBATE THIS GA ALONG LINES OF NETHERLANDS DRAFT OR STRONGER, AND ONE OR TWO SAID THEY COULD ACCEPT POSTPONEMENT OF ITEM SINE DIE. US DISTRIBUTED ALTERNATE DRAFT RES CONTAINED PARA 3 BELOW.

2. AT COSPONSORS MEETING NOV 23, ALL FAVORED POSTPONING ITEM TO NEXT GA PROVIDED IT UNDERSTOOD THE ITEM WOULD RECEIVE PRIORITY. US ALSO DISTRIBUTED ALTERNATIVE DRAFT RES AT THIS MEETING, AND DREW SOME FAVORABLE COMMENTS. HOWEVER, GROUP THOUGHT THAT WITHOUT ADVANCE WORK, THERE SERIOUS QUESTION WHETHER RES WOULD BE ADOPTED AND IT PROBABLE RES WOULD RAISE LARGE AMOUNT OF CONTROVERSY. ALL THOUGHT IT APPROPRIATE FOR COYSPONSORS TO BEGIN PLANNING MUCH EARLIER NEXT YEAR WITH VIEW TO DEVELOPING NEW STRATEGY AND DOING ADVANCE PREPARATION TO ENSURE
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SUCCESS. ALTING (NETHERLANDS) WAS REQUESTED TO INFORM

GONZALEZ GALVEZ THAT COSPONSORS GROUP WOULD AGREE TO POSTPONEMENT OF ITEM ON CONDITION IT RECEIVE PRIORITY NEXT YEAR. ALTING ALSO PRESSUREING COSPONSORS TO LOBBY IN THEIR REGIONAL GROUPS TO ENSURE THAT PRIORITY TREATMENT FOR ICJ ITEM NEXT YEAR IS GOTTEN.

3. FOLLWOINNG IS TEXT OF ALTERNATIVE DRAFT RES USDEL
DISTRIBUTED:
BEGIN TEXT:

REVIEW OF THE ROLE OF THE INT'L COURT OF JUSTICE

THE GENERAL ASSEMBLY,
CONSIDERING THAT IT IS A RESPONSIBILITY OF THE UNITED NATIONS
TO ENCOURAGE THE PROGRESSIVE DEVELOPMENT OF INT'L LAW,

RECALLING THAT THE INT'L COURT OF JUSTICE IS THE
PRINCIPAL JUDICIAL ORGAN OF THE UNITED NATIONS,

CONSIDERING THAT IT IS OF PARAMOUNT INPORTANCE THAT THE
COURT SHOULD BE UTILIZED TO THE GREATEST PRACTICABLE EXTENT
IN THE PROGRESSIVE DEVELOPMENT OF INT'L LAW, BOTH
IN REGARD TO LEGAL ISSUES BETWEEN STATES AND IN REGARD TO
CONSITITUTIONAL INTERPRETATION,

CONSIDERING THAT, IN VIRTUE OF ARTICLE 1 OF THE CHARTER,
INT'L CISPUTES SHOULD BE SETTLED IN CONFORMITY WITH
THE PEINICIPLES OF JUSTICE AND INT'L LAW,

RECALLING ALSO THAT, IN ACCORDANCE WITH ARTICLE 2 OF THE
CHARTER, ALL MEMBERS SHALL SETTLE THEIR INT'L DISPUTES
BY PEACEFUL MEANS IN SUCH A MANNER THAT INT'L PEACE
AND SECURITY AND JUSTICE ARE NOT ENDANGERED,

CONSIDERING THAT, IN ACCORDANCE WITH ARTICLE 36 OF THE CHARTER,
LEGAL DISPUTES SHOULD AS A GENERAL RULE BE REFERRED BY THE
PARTIES TO THE INTERNATIONAL COURT OF JUSTICE IN ACCORDANCE
WITH THE PROVISIONS OF THE STATUTE OF THE COURT,

EMPHASIZING THAT, AS ALSO SOLEMNLY PROCLAIMED IN THE DECLARATION
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ON PRINCIPLES OF INT'L LAW CONCERNING FRIENDLY RELATIONS
AND COOPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF
THE UNITED NATIONS, JUDICIAL SETTLEMENT IS ONE MEANS TO
WHICH STATES CAN HAVE RECOURSE IN SEEKING A JUST AND PEACEFUL
SETTLEMENT OF THEIR DISPUTES,

REAFFIRMING GENERAL ASSEMBLY RES 171 (II),

WELCOMING THE AMENDMENTS MADE BY THE INT'L COURT OF JUSTICE TO ITS RULES OF COURT,

COGNIZANT THAT THE INT'L COURT OF JUSTICE COULD MORE EFFECTIVELY FULFILL ITS ROLE AS THE PRINCIPLE JUDICIAL ORGAN OF THE UNITED NATIONS IF, IN FULL IMPLEMENTATION OF THE CHARTER AND THE STATUTE OF THE COURT, THERE WERE MORE FREQUENT RECOURSE TO IT FOR THE PACIFIC SETTLEMENT OF INT'L DISPUTES,

MINDFUL THAT SUCH INCREASED RECOURSE TO THE INT'L COURT OF JUSTICE WOULD AID IN THE GENERAL DEVELOPEMENT AND REFINEMENT OF INT'L LAW,

NOTING THE COMMENTS OF GOVTS IN RESPONSE TO GENERAL ASSEMBLY RESES 2723 (XXV) OF 15 DEC 1970 AND 2818 (XXVI) OF 15 DEC 1971,

1. REAFFIRMS THAT IT IS IMPORTANT FOR INT'L PEACE, SECURITY AND JUSTICE THAT STATES AS A GENERAL RULE REFER THEIR LEGAL DISPUTES TO THE INT'L COURT OF JUSTICE,

2. CONSIDERS THAT THE AMENDMENTS MADE TO THE RULES OF COURT BY THE INT'L COURT OF JUSTICE SIMPLIFY ITS PROCEDURE,

3. URGES STATES AS A GENERAL RULE TO REFER THEIR LEGAL DISPUTES TO THE INT'L COURT OF JUSTICE,

4. URGES STATES TO STUDY AND TAKE ADVANTAGE OF THE IMPROVED PROCEDURE OPERATIVE IN THE INT'L COURT OF JUSTICE AS A RESULT OF THE COURT'S AMENDMENT OF ITS RULES OF COURT,

5. DRAWS THE ATTENTION OF STATES MEMBERS TO THE ADVANTAGE LIMITED OFFICIAL USE

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OF INSERTING IN CONVENTIONS AND TREATIES CLAUSES SPECIFICALLY PROVIDING, IN ACCORDANCE WITH ARTICLE 36, PARA 1, OF THE STATUTE, FOR THE SUBMISSION OF DISPUTES WHICH MAY RISE FROM THE INTERPRETATION OF APPLICATION OF SUCH CONVENTIONS OR TREATIES,

6. DRAWS THE ATTENTION OF THE STATES WHICH HAVE NOT YET ACCEPTED THE COMPULSORY JURISDICTION WITH AS FEW RESERVATIONS AS POSSIBLE,

7. REQUESTS THE SEC-GEN TO BRING THE PRESENT RES TO THE ATTENTION OF THE INT'L COURT OF JUSTICE, STATES MEMBERS OF THE UNITED NATIONS, AND STATES PARTIES TO THE STATUTE OF THE COURT,

8. DECIDES TO REVIEW THIS QUESTION AT ITS 31ST
SESSION, IN THE LIGHT OF THE EXPERIENCE OF THE COURT UNDER
ITS REVISED RULES.
BENNETT

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